

FE 6146 (US)

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Giuseppe PENZO et al.

Serial No. **10/581,981**

Filed: **June 7, 2006**

For **LIQUID PHASE PROCESS FOR
POLYMERIZING OLEFINS**

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)
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) Art Unit: **1796**
)
) Examiner: **C. Caixia Lu**
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)
)
)
)

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Submitted herewith for filing in the U.S. Patent and Trademark Office are the following:

- ☒ Postcard
- ☒ Transmittal Letter
- ☒ Petition Under 37 CFR 1.53 to Correct Official Filing Receipt (in duplicate) (2 pages)
- ☒ Attachment A - Copy of Official Filing Receipt (3 pages)
- ☒ Attachment B - Copy of Express Mail airbill and receipt acknow card (2 pages)
- ☒ Attachment C - Copy of Letter Transmitting Missing Req & receipt acknow card (3 pages)

Respectfully submitted,

GIUSEPPE PENZO ET AL.

By

Handwritten signature of Jarrod N. Raphael
Jarrod N. Raphael
Registration No. **55,566**
Agent for Applicant

Basell USA Inc.
Delaware Corporate Center II
2 Righter Parkway, Suite 300
Wilmington, DE 19803
Date: **January 1st, 2008**

pet to correct FD



FE 6146 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Giuseppe PENZO et al.)

Serial No. **10/581,981**)

Filed **June 7, 2006**)

For **LIQUID PHASE PROCESS FOR**)
POLYMERIZING OLEFINS)

) Art Unit: 1796

) Examiner: **C. Caixia Lu**

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 CFR 1.53 TO CORRECT OFFICIAL FILING RECEIPT

EXPEDITED HANDLING

Applicant respectfully believes the Filing Receipt with a mailing date of August 8, 2007 in connection with the above-captioned application contains the following error:

Filing or 371 (c) Date should be "06/07/2006" instead of "06/07/2007".

A copy of the Filing Receipt is submitted herein as Attachment A.

Applicant respectfully submits the above-captioned application was filed at the USPTO with all of the 35 U.S.C. §371 requirements on June 7, 2006. A copy of (i) the express mailing airbill, which was mailed with the application and respective filing papers, and (ii) the duly stamped receipt acknowledgement card are submitted herein as Attachment B. Thereafter, a Notification of Missing Requirements Under 35 U.S.C. §371 was mailed on February 14, 2007, the merits of which were traversed in Applicant's reply of March 5, 2007. A copy of the response and stamped acknowledgement card is submitted herein as Attachment C.

01/15/2008 CNEGAI 00000025 002336 10581981
01 FC:1454 1.00.00 DA

Accordingly, Applicant respectfully requests the filing date of the above-captioned application to be expeditiously corrected to June 7, 2006, and for a Corrected Official Filing Receipt to be expeditiously issued by the USPTO prior to the pending Issue Fee payment deadline (i.e., March 10, 2008) for the instant application.

Applicant duly authorizes the Petition fee of \$130.00, and the expedited handling fee of \$130.00 to be charged to Deposit Account No. 08-2336. For this reason, this Petition is submitted in duplicate. However, since Applicant respectfully believes the error regarding the filing date for the instant application is not due to the fault of Applicant, Applicant courteously requests the Petition fee of \$130.00 to be refunded to Deposit Account No. 08-2336. The Commissioner is hereby authorized to debit or credit any payment due or any overpayment to Deposit Account No. 08-2336.

Respectfully submitted,

GIUSEPPE PENZO ET AL.

By

Jarrod N. Raphael
Reg. No. 55,566
Agent for Applicants

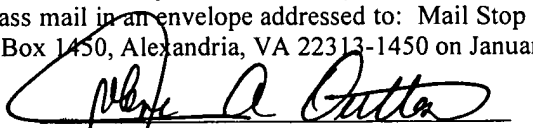
Basell USA Inc.
Delaware Corporate Center II
2 Righter Parkway, Suite 300
Wilmington, DE 19803

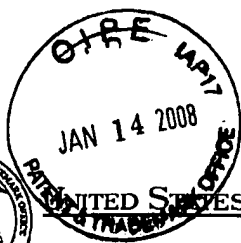
January 10, 2008

Attachments

Agent's Telephone No.: 302-683-8176
Agent's Facsimile No.: 302-731-6408
Agent's E-mail: jarrod.rafael@basell.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2008.


Signature
January 10 2008
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/581,981	06/07/2007	1713	1560	FE 6146 (US)	25	1

34872
 BASELL USA INC.
 INTELLECTUAL PROPERTY
 912 APPLETON ROAD
 ELKTON, MD 21921

Received Basel

AUG 11 2007

IP / Law

CONFIRMATION NO. 7224

FILING RECEIPT



OC000000025207378

Date Mailed: 08/08/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Giuseppe Penzo, Mantova, ITALY;
 Daniele Bigiavi, Bologna, ITALY;
 Massimo Covezzi, Ferrara, ITALY;
 Maria Silvia Tonti, Ferrara, ITALY;
 Anna Fait, Ferrara, ITALY;
 Pietro Baita, S. Maria Maddalena, ITALY;

Assignment For Published Patent Application

Basell Poliolefine Italia s.r.l., Milan, ITALY

Power of Attorney: The patent practitioners associated with Customer Number 34872.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/13550 11/29/2004
 which claims benefit of 60/529,990 12/16/2003

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 03104656.8 12/11/2003

If Required, Foreign Filing License Granted: 08/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is **US10/581,981**

Projected Publication Date: 11/15/2007

Non-Publication Request: No

Early Publication Request: No

Title

Liquid Phase Process for Polymerizing Olefins

Preliminary Class

526

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

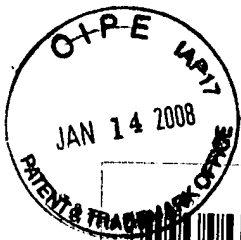
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



ATTACHMENT B

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Label 11-B September 2002

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PO-ZIP Code 21920	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope
Date In Mo. 6 Day 7 Year 06	<input checked="" type="checkbox"/> 1st Noon <input type="checkbox"/> 3 PM	Postage \$ 14.40
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials LS	Total Postage & Fees \$ 14.40

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PHONE ()

Jolene A Outten
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Elkton MD 21921

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www.usps.com



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Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested.
Federal Agency Acct. No. or Postal Service Acct. No.	I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
<input type="checkbox"/> NO DELIVERY Weekend Holiday	Customer Signature

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IAP15 Rec'd PCT/PTO 07 JUN 2006

The PTO date stamp hereon is in acknowledgment that on this date PTO received:

TRANSMITTAL LETTER
FORM PTO-1390 (in duplicate)
APPLICATION DATA SHEET (4 pages)
PRELIMINARY AMENDMENT (2 pages)
ATTACHMENT A - CLAIMS (5 pages)
COPY OF PCT REQUEST DECLARATION (7 pages)
COPY OF FORM PCT/IB/306 (1 pag)
COPY OF INTERNATIONAL APPLN (24 pages: text spec (18), 25 claims (3),
Abstract (1), Drawings (2))
ASSIGNMENT COVER SHEET
COPY OF ASSIGNMENT (3 pages)

10/581981

Received Basen

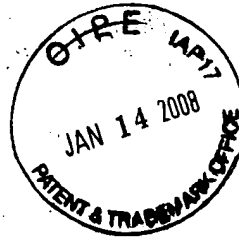
in reference to U.S. Patent Application of Giuseppe Penzo et al. filed
this 7th day of June 2006, entitled LIQUID PHASE PROCESS FOR POLYMERIZING
OLEFINS.

JUN 19 2006

IP / Law

Atty Dkt No: FE 6146 (US)

EARLY NOTIFICATION OF SERIAL NUMBER REQUESTED





ATTACHMENT C

FE 6146 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of)
)
Giuseppe PENZO et al.)
)
Serial No. 10/581,981)
)
Filed: **June 7, 2006**)
)
For **LIQUID-PHASE PROCESS FOR**)
POLYMERIZING OLEFINS)

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER TRANSMITTING MISSING REQUIREMENTS UNDER 35 USC 371


In reference to the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office, mailed February 14, 2007, and the statement that the Oath or Declaration does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68, please note the papers filed for this application on June 7, 2006, included a copy of the PCT Request, which included the completed Declaration in Box No. VIII (iv) as well as the signature of the inventors named in Box No. X. We enclose a copy of the PCT Request filed on June 7, 2006, herein.

Accordingly, Applicant respectfully requests the Patent Office to withdraw the aforementioned Notification of Missing Requirements, and issue a filing and 371 date of June 7, 2006 for the above-captioned application.

No fee under 37 CFR 1.492(h) is believed to be due with this response given Applicant previously filed a Declaration with the PCT Request. However, if a fee is due, please charge Deposit Account No. 08-2336.

Respectfully submitted,

GIUSEPPE PENZO ET AL.


By 
Jarrod N. Raphael
Registration No. 55,566
Agent for Applicant

Basell USA Inc.
912 Appleton Road
Elkton, Maryland 21921

March 5, 2007

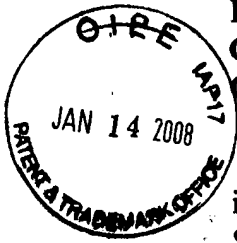
Agent's Telephone No.: 410-996-1750
Agent's Facsimile No.: 410-996-1560
Agent's E-mail: jarrod.rafael@basell.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on March 5, 2007.


Signature
March 5 2007
Date

The PTO date stamp hereon is in acknowledgment that on this date PTO received:

TRANSMITTAL LETTER
LETTER TRANSMITTING MISSING REQ. (in duplicate) (2 pages)
COPY OF FORM PCT/DO/EO/905
COPY OF PCT REQUEST INCLUDING DECLARATION (7 pages)



in reference to U.S. Patent Application of **Received Benzell** et al.,
S.N. 10/581,981, filed June 7, 2006.

MAR 15 2007

Atty Dkt No: FE 6146 (US)

IP / Law

IP15 Rec'd PCT/PTO 06 MAR 2007